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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 3, 1994
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Public Works Director Ronsko, City Engineer Prima, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor William Crabtree, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to John Wickham proclaiming August 12 - 14, 1994 as "Drama Fest - Summer 1994".
FILE NO. CC-37
- b) Mayor Sieglock presented a proclamation to Jerry and Jeanette Neuburger in recognition of the their new Snap N' See building on Cherokee Lane.
FILE NO. CC-37

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Snider second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

Further, the City Council, on motion of Council Member Pennino, Snider second, moved the pulled Consent Calendar items to the end of the agenda for discussion and action by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

- a) Claims were approved in the amount of \$4,053,586.32.
FILE NO. CC-21(a)
- b) The Minutes of July 20, 1994 (Regular Meeting) were approved as written.

- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids for Westgate Park/Basin chain link fence" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Agenda item #E-4 entitled, "Acceptance of improvements under Type II Slurry Seal for various City streets, 1994, contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- e) Agenda item #E-5 entitled, "Purchase of concrete underground utility vaults for Electric Utility Department" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- f) Adopted Resolution No. 94-86 awarding the bid for the purchase of 2" and 3" electrical conduit and fittings to the low bidder, Ace Supply Company of Emeryville, in the amount of \$5,415.84.
FILE NO. CC-12(d) AND CC-300
- g) Agenda item #E-7 entitled, "Purchase of Police Department issue firearms and related equipment" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- h) Agenda item #E-8 entitled, "Approval of Request for Proposals (RFP) for Towing Franchise" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- i) Agenda item #E-9 entitled, "Intention to Vacate Public Utility Easements at 600 and 610 West Lodi Avenue" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- j) Adopted Resolution No. 94-90 approving the class specification for Economic Development Coordinator.
FILE NO. CC-34 AND CC-300
- k) Adopted Resolution No. 94-91 approving the Discrimination Policy and Discrimination Complaints Procedure.
FILE NO. CC-34 AND CC-300
- l) Approved waiving a requirement of the City Public Improvement Design Standards for on-site turn-arounds for Lots 1 - 14 and 20 - 24 of Lodi West, Unit No. 1.
FILE NO. CC-6 AND CC-46
- m) Directed the Mayor to send a letter of support to the State of California regarding the construction and implementation of high speed rail service through the San Joaquin Valley.
FILE NO. CC-6, CC-7(h) AND CC-50(b)
- n) Agenda item #E-14 entitled, "Renewal of lease agreement for Annex A, 111 North Stockton Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- o) Agenda item #E-15 entitled, "Approve specifications for five portable trailers (Civic Center Improvement Project)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

6. PUBLIC HEARINGS

None.

7. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Sieglock second, rejected the following claims and referred them back to ICA by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

1. Donna Rose, date of loss 4/1/94; and
2. Samuel A. Sanchez Silva, date of loss 6/28/94.
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Jim Murdaca Food Service, Inc., Pietro's of Lodi, 317 East Kettleman Lane, On Sale Beer and Wine Eating Place, Person to Person Transfer; and
2. John A. and Maureen Roccia, Philly's, 480 South Cherokee Lane, Suite E, On Sale Beer and Wine Eating Place, Original License.
FILE NO. CC-7(f)

- c) The following report was presented to the City Council:

1. Planning Commission report of July 25, 1994.

City Clerk Perrin informed the City Council that item "a" on the report regarding the determination that parcels 236-1/2 Cherry Street, 230-1/2 East Lodi Avenue, 6013 East Highway 12 and 1775 South Church Street conformed to the Lodi General Plan and recommendation that Council take steps to dispose of them will appear on the City Council agenda of August 17, 1994.
FILE NO. CC-35(c)

- d) City Clerk Perrin informed the City Council that her office received notification of resignation of Paula Soto from the East Side Improvement Committee. Council was not requested to take action, because the Committee is continuing to downsize from 15 - 9 members through attrition. The Committee now has 11 members.
FILE NO. CC-2(s)

8. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Improvement agreement: Minton property" was not ready for action and was continued pursuant to staff's request.

- b) Following discussion regarding Thurman Street Specific Plan modification, the City Council, on motion of Council Member Snider, Sieglock second, unanimously approved in concept the proposed modification of the Thurman Street Specific Plan as recommended by staff (final action to be approved at a future date), under the condition that the sale of the land is consummated and the buyer does not want the road built through.

Speaking on the matter was the following person:

1. Sally Diekman Ryan, 760 Woodstock Lane, Los Altos, was not opposed to the modification, as long as the property was purchased and the buyer did not want Thurman Street built through; otherwise, she would not want the Plan amended.

FILE NO. CC-6, CC-45(a) AND CC-45(h)

- c) In regards to Mr. John Donati's request to reconsider his appeal to build swimming pool deck/patio over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi, the City Council was required to first make a motion (from a Council Member of the prevailing side) to reconsider the matter. Therefore, the City Council, on motion of Mayor Sieglock, Pennino second, determined it would reconsider the subject appeal by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Council Member Davenport could not vote on the reconsideration of this matter, because he was not present at the meeting in which this was voted upon; however, Mr. Davenport was able to vote on this subject once it was determined the matter would be reconsidered.

Further, the City Council, on motion of Council Member Davenport, Snider second, unanimously granted the appeal, finding that denial of the appeal would cause hardship and damage to the appellant based on his substantial investment in plans already completed, that there is no other reasonable method to obtain the desired result, and that the encroachment permit would not be materially detrimental to public interest, health, safety and welfare, and directed that Mr. Donati enter into a Hold Harmless Agreement with the City of Lodi. Further, the City Council directed that the subject Lodi Municipal Code section be reviewed in the near future.

Speaking on the matter was the following person:

1. John Donati, 1217 Edgewood Drive, Lodi, presented his appeal to the City Council.

FILE NO. CC-53(b)

- d) The City Council, on motion of Council Member Pennino, Snider second, unanimously adopted Resolution No. 94-92 authorizing the purchase of five mid-size paratransit buses for the fixed-route system from El Dorado Bus Sales, Inc. of Foster City, the low bidder, in an amount not to exceed \$269,667.80, which includes the four additional items requested by staff (overhead handrail, master electrical disconnect, Isringhausen Air Ride driver's seat and exterior storage box--curb side). Staff is to proceed with the purchase of the buses with the compressed natural gas (CNG) engine **after** an investigation by the end of this week into whether or not a CNG engine would be beneficial in a 12-passenger bus. If a CNG engine is not proven to be beneficial in a 12-passenger bus, staff is to purchase the buses with unleaded engines (not diesel).

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Speaking on the matter was the following person:

1. Frank Alegre, Lodi, expressed support that the City purchase the buses with the CNG engines.

FILE NO. CC-12(a), CC-50(b) AND CC-300

9. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 8:59 p.m.

10. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Pennino, Snider second, adopted Resolution No. 94-89 approving job specifications for the position of Information Systems Coordinator, assigned a salary of 5% higher than an Engineering Assistant, designated the Information Systems Coordinator as a mid-management position, and further directed staff to look into the possibility of creating "layers" of management (i.e. entry level management, etc.) by the following vote:

Ayes: Council Members - Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport and Mann

Absent: Council Members - None

Speaking in opposition of the matter were the following persons:

1. Karen Tunnell, 531 Palm Avenue, Lodi;
2. Frank Alegre, Lodi;
3. Brian Ochoa, Lodi; and
4. Dennis Cochran, 935 Coloma Street, Lodi.

FILE NO. CC-34 AND CC-300

11. ORDINANCES

- a) Ordinance No. 1596 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 9.08 of the Lodi Municipal Code by Adding a New Section Thereto Relating to Advertising Matter Distribution - Delivery Methods" having been introduced at a regular meeting of the Lodi City Council held July 20, 1994 was brought up for passage on motion of Council Member Snider, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- b) Ordinance No. 1598 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Section 2.04.070" having been introduced at a regular meeting of the Lodi City Council held July 20, 1994 was brought up for passage on motion of Council Member Pennino, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-6, CC-18 AND CC-149

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Frank Alegre, Lodi, expressed his opposition to the "Comments by the Public" segment being moved to the end of the agenda. Mr. Alegre also suggested that the City Council consider beginning its meetings at 6:00 p.m.
FILE NO. CC-16
- b) Brian Ochoa, Lodi, expressed his support for the Parks and Recreation Pop Warner football league for boys and girls ages 8 - 14, and encouraged the citizens and the public to support the endeavor.
FILE NO. CC-40

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: (1) Reminded everyone to be ever mindful of gangs; (2) Expressed his dissent for moving the public comments to the end of the agenda, because the public should be first; (3) Requested a status report on the letter that was sent to the Post Office regarding the possibility of a Town Plaza. Janet Keeter informed the City Council that staff is currently working with the local level of the Post Office, and it appears they have given the green light for the idea. Staff will now be working with the upper levels of the Post Office for its go ahead; (4) Requested an update on the golf driving range. City Attorney McNatt informed the City Council that Mr. Choo has chosen an alternate site, and a letter was sent to Mr. Choo's attorney that this matter will appear on the next City Council agenda that Mr. Choo is no longer interested in the DeBenedetti site; (5) Sent letter to fellow City Council Members suggesting that the City Council act as the investigating body in Mr. Pirkig's allegations and wondered what the City Council felt about that. City Attorney McNatt commented that the matter was referred to the Grand Jury and recommended that the City Council refrain from discussion of the matter until the Grand Jury acts. Mayor Sieglock indicated he stands by the Council's direction in referring the matter to the Grand Jury and directing the City Manager to conduct an independent investigation; and (6) Commented on the good turn out for National Night Out on Tuesday, August 2, 1994; however, complained that staff selected a bad night to conduct the final Cherokee Lane Revitalization workshop which made for poor attendance. Mr. Davenport further complained that staff conducted its own meetings after the public left the workshop, and also had another meeting at Gary's Lounge.
FILE NO. CC-6, CC-72 AND CC-400

- b) Council Member Pennino responded to Council Member Davenport's comments that getting together at Gary's Lounge is no different than Council Members meeting with constituents at Lyon's Restaurant after a meeting.
FILE NO. CC-72 AND CC-400

- c) Mayor Sieglock commented that he is glad that the public now has the opportunity to discuss scheduled items of business on the agenda at an early hour, instead of having to wait. Mayor Sieglock also feels that starting the meetings earlier would not be right, because many people commute and wouldn't have the opportunity to attend the meetings and many people like to rest at home with their families before going to the meetings.

Mayor Sieglock thanked the citizens and the Lodi Police Department for participating in National Night Out. Mr. Sieglock had the opportunity to go to nine block parties with Captain Jerry Adams and talk with many of the citizens. There were approximately 83 parties and many had activities and food. Mayor Sieglock commended Community Service Officer Mary Fuhs for her efforts in this program.
FILE NO. CC-6 AND CC-152

- d) Council Member Mann echoed Mayor Sieglock's comments about National Night Out. Further, Mr. Mann responded to Council Member Davenport's question whether the City Council wanted to conduct an investigation into Mr. Pirkig's allegations. Mr. Mann feels the Grand Jury should handle the matter and does not want the Council to participate in any kind of "kangaroo court". Further, Council Member Mann responded to Mr. Davenport's comment at the last Council meeting regarding Fred Reid being on the Grand Jury and that he is "pro-City". Mr. Mann hopes that Mr. Reid is "pro-City" just as every Council Member should be, and if there is a Council Member who is not "pro-City" he should resign.
FILE NO. CC-6

- e) Council Member Pennino reminded the high school students that Saturday, August 6, 1994 will be Wet N' Wild at Lodi Lake, sponsored by the Youth Commission. The event will be held from 2 - 8 p.m., and he encouraged students to attend.
FILE NO. CC-2(t)

14. CLOSED SESSION

Mayor Sieglock adjourned the meeting to a Closed Session to discuss the following matters:

- a) Labor Relations - Dispatchers, General Services (SJPEA) and Lodi Police Officers' Association (LPOA) - *Negotiator: Assistant City Manager Jerry Glenn*

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:22 p.m. Mayor Sieglock disclosed the following actions:

Labor Relations - Dispatchers, General Services (SJPEA) and Lodi Police Officers' Association (LPOA) - *Negotiator: Assistant City Manager Jerry Glenn*

No final action was taken on these matters.
FILE NO. CC-200(a)

16. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Mayor Sieglock, Pennino second, approved the plans and specifications for Westgate Park/Basin chain link fence and authorized advertising for bids by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12.1(a)

- b) The City Council, on motion of Mayor Sieglock, Snider second, unanimously accepted the improvements for Type II Slurry Seal for various City streets, 1994, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90

- c) The City Council, on motion of Council Member Sieglock, Snider second, adopted Resolution No. 94-85 awarding the bid for the purchase of fifteen concrete underground vaults, complete with lids and extension rings, to the sole bidder, Utility Vault Company of Pleasanton, California, in the amount of \$12,574.43 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12(d) AND CC-300

- d) The City Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 94-87 awarding the purchase of 89 40-caliber semi-automatic pistols to LC Action Police Supply of San Jose, California, in the amount of \$31,646.18, and 89 holsters to Professional Police Supply Company of Oakland in the amount of \$6,448.41 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12(d) AND CC-300

- e) The City Council, on motion of Mayor Sieglock, Snider second, approved the Request for Proposals (RFP) for Towing Franchise by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-6 AND CC-12.1(c)

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- f) The City Council, on motion of Council Member Mann, Sieglock second, adopted Resolution of Intention No. 94-88 to abandon three on-site easements at 600 and 610 West Lodi Avenue, referred the matter to the Planning Commission, and set it for public hearing at the regular Council meeting of September 7, 1994 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-45(a), CC-52(a) AND CC-300

- g) The City Council, on motion of Council Member Mann, Sieglock second, renewed the lease agreement and addendum to lease agreement for the annex at 111 North Stockton Street by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-40 AND CC-90

- h) The City Council, on motion of Council Member Snider, Mann second, approved the specifications for five portable trailers to be leased for approximately eighteen months as part of the Civic Center Improvement Project by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12.1(c)

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 10:38 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk